UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/16
16 March 1999

ENGLISH
Original: ENGLISH/FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Agenda item 6

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION

Report of the sessional open-ended working group to review and formulate proposals for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

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Introduction

1. In its resolution 1998/26 of 17 April 1998, the Commission on Human Rights decided to create an open-ended working group to meet during the fifty-fifth session in order to review and formulate proposals for consideration by the Commission and possible forwarding to the Preparatory Committee at its first session in the year 2000.

2. The Commission also invited States and international and regional organizations, the relevant bodies and mechanisms of the United Nations, including the Committee on the Elimination of Racial Discrimination, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the specialized agencies and non-governmental organizations to contribute to the preparatory process for the Conference by organizing meetings or undertaking studies with a view to formulating concrete and pragmatic recommendations aimed at combating racism, racial discrimination, xenophobia and related intolerance which would be duly reflected in the draft final documents to be prepared by the Preparatory Committee for the World Conference.

3. The Commission also invited the United Nations High Commissioner for Human Rights to submit to the Commission, at its fifty-fifth session, a preliminary analytical study on the objectives of the World Conference and a compendium of references to publications and other works by experts and United Nations, regional and other bodies on the fight against racism, racial discrimination, xenophobia and related intolerance.

I. ORGANIZATION OF WORK

A. Opening of the session

4. The working group met from 24 to 26 March 1999. Representatives of Governments, specialized agencies, regional bodies and non-governmental organizations participated in its work.

5. Mrs. Mary Robinson, the High Commissioner for Human Rights, opened the session by drawing attention to the objectives of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance; she believed that, in order to have a real impact, the Conference should not only promote greater awareness concerning the scourge of racism but also lead to decisive action at the national, regional and international levels in order to help those suffering on a daily basis from racism and racial discrimination. She also emphasized that the principle of non-discrimination constituted the cornerstone of the Charter of the United Nations, of the Universal Declaration on Human Rights and of the International Covenants on Human Rights. She added that the Committee on the Elimination of Racial Discrimination had always maintained an ongoing dialogue with the States parties in order to ensure the effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination.

B. Election of the Chairman-Rapporteur

6. At its first meeting, the working group elected, by a show of hands, Mrs. Absa Claude Diallo (Senegal) as Chairman-Rapporteur.

C. Documentation

7. The working group had before it the following documents:

E/CN.4/1999/WG.1/1	Provisional agenda
E/CN.4/1999/WG.1/BP.1	The declarations and programmes of action adopted by the two preceding World Conferences to combat racism
E/CN.4/1999/WG.1/BP.2	Selection of conclusions and recommendations of seminars and studies on racism and racial discrimination
E/CN.4/1999/WG.1/BP.3	Decision 9 (53) of the Committee on the Elimination of Racial Discrimination concerning the World Conference
E/CN.4/1999/WG.1/BP.4	Selection of recommendations of Mr. M. Glèlè-Ahanhanzo, Special Rapporteur
E/CN.4/1999/WG.1/BP.5	Relevant recommendations and decisions of the Sub-Commission
E/CN.4/1999/WG.1/BP.6 (English only)	Background paper by Mr. M. Banton, member of the Committee on the Elimination of Racial Discrimination
E/CN.4/1999/WG.1/BP.7 (English only)	Background paper by Mr. T. van Boven, member of the Committee
E/CN.4/1999/WG.1/BP.8 (English only)	Background paper by Mrs. S. Sadiq Ali, member of the Committee
E/CN.4/1999/WG.1/BP.9 (English only)	Background paper by Mr. A. Shahi, Mr. L. Valencia Rodrigues and Mr. I. Garvalov, members of the Committee
E/CN.4/1999/WG.1/BP.10 (English only)	Background paper by Mr. I. Diaconu, member of the Committee
E/CN.4/1999/WG.1/BP.11 (French only)	Background paper by Mr. R. de Gouttes, member of the Committee
E/CN.4/1999/WG.1/WP.1 (English only)	Working paper submitted by the Anti-Racism Information Service (ARIS)

E/CN.4/1999/WG.1/WP.2 (English only)	Working paper submitted by the International Movement Against All Forms of Discrimination and Racism
E/CN.4/1999/WG.1/WP.3 (English only)	Working paper submitted by International Human Rights Watch
E/CN.4/1999/WG.1/WP.4 (English only)	Working paper submitted by the Minority Rights Group
CERD/C/365	Compilation adopted by the Committee on the Elimination of Racial Discrimination
CERD/C/60/Rev.3	Declarations, reservations, withdrawals of reservations, objections to reservations and declarations relating to the International Convention on the Elimination of All Forms of Racial Discrimination
E/CN.4/Sub.2/1998/4	Joint working paper on article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination

General Assembly resolutions 52/111 and 53/132.

Commission on Human Rights resolution 1998/26.

Documents for general distribution, item 6 of the Commission's agenda

E/CN.4/1999/12	Report of the High Commissioner
E/CN.4/1999/15 and Add.1	Report by Mr. M. Glèlè-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance
E/CN.4/1999/17	Comments of the International Labour Office

D. Adoption of the agenda and organization of work

8. The working group adopted the agenda (E/CN.4/1999/WG.1/1) containing the following items:

1. Election of officers.

2. Adoption of the agenda.

3. Implementation of paragraph 44 of Commission on Human Rights resolution 1998/26 entitled "Racism, racial discrimination, xenophobia and related intolerance", requesting the working group to review and formulate proposals on the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance for consideration by the Commission.

9. At the proposal of the Chairman-Rapporteur, the working group decided to consider the mandate entrusted to it by the Commission on Human Rights in the light of the seven objectives of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as set forth in General Assembly resolution 52/111 of 12 December 1997, namely:

(a) To review progress made in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular since the adoption of the Universal Declaration of Human Rights, and to reappraise the obstacles to further progress in the field and ways to overcome them;

(b) To consider ways and means to better ensure the application of existing standards and the implementation of the existing instruments to combat racism, racial discrimination, xenophobia and related intolerance;

(c) To increase the level of awareness about the scourges of racism and racial discrimination, xenophobia and related intolerance;

(d) To formulate concrete recommendations on ways to increase the effectiveness of the activities and mechanisms of the United Nations through programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance;

(e) To review the political, historical, economic, social, cultural and other factors leading to racism, racial discrimination, xenophobia and related intolerance;

(f) To formulate concrete recommendations to further action-oriented national, regional and international measures to combat all forms of racism, racial discrimination, xenophobia and related intolerance;

(g) To draw up concrete recommendations for ensuring that the United Nations has the financial and other necessary resources for its actions to combat racism, racial discrimination, xenophobia and related intolerance.

10. The working group devoted its first meeting on 24 March to the consideration of the first and second objectives, its second and third meetings on 25 March to the third, fourth, fifth and sixth objectives, and its fourth meeting on 26 March to items 6 and 7 and the procedural questions. It adopted the present report on 15 April 1999. When considering its report, the working group decided to annex the document containing the proposals made by the Sub-Committee on Racism, Racial Discrimination and Decolonization of the Special Committee of International NGOs on Human Rights (Geneva) (see annex II).

11. The working group decided to consider the seven objectives of the World Conference by taking as a starting-point a document presented by the African Group, which appears as annex I to the present report. It was repeatedly stated that, throughout the preparatory process, the World Conference would benefit from contributions submitted by the regional preparatory conferences, the human rights mechanisms and the non-governmental organizations.

12. It was proposed that the meetings of the working group should not be limited in time and that the group should be able to meet, if necessary, at any time during the Commission's fifty-fifth session.

13. Several speakers believed that, befcre tackling the substantive aspects of the Conference, it was important to determine the venue and date of the Conference and settle the procedural questions relating to the appointment of the officers of the Preparatory Committee. It was nevertheless decided that those questions would be studied immediately after the consideration of the objectives of the World Conference.

II. MAIN ISSUES DISCUSSED

A. First objective

To review progress made in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular since the adoption of the Universal Declaration of Human Rights, and to reappraise the obstacles to further progress in the field and ways to overcome them.

1. Questions raised during the discussion on substantive issues

14. The representative of the African Group proposed that the working group should consider three series of actions in relation to the first objective: in this connection reference will be made to annex I.

15. In general, the proposals of the African Group were received favourably and several participants supported the suggestion that the secretariat should formulate questionnaires which took into account the developments in that field since the Second World Conference against Racism in 1983.

16. The contact group of the Committee on the Elimination of Racial Discrimination felt that the International Convention on the Elimination of All Forms of Racial Discrimination should constitute the cornerstone on which the World Conference should base its work. It recalled the preliminary suggestions that the Committee had made in its decision 9 (53) with a view to the preparation of the agenda of the Conference, which should include the following 10 items, to which would be added an item concerning the protection of indigenous peoples:

(i) Current realities in the aftermath of slavery and colonialism;

(ii) Impact of economic globalization and racial equality;

(iii) Treatment of migrants, refugees, asylum seekers and displaced persons;

(iv) Prevention of racial discrimination, including early warning and urgent procedures;

(v) Prevention of racial discrimination through education;

(vi) Remedies, redress mechanisms and reparations for racial discrimination;

(vii) International mechanisms for the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and their progressive development;

(viii) Combating hate speech and promoting tolerance in the digital age;

(ix) The implications of multiple identities (race, colour, descent, national or ethnic origin, gender);

(x) Means to be applied to protect the rights of indigenous peoples.

17. The Committee's contact group also believed that the work that the Committee had accomplished during more than 29 years of activity, and particularly the jurisprudence relating to the cases brought to its attention, should constitute a source of reference for the Conference. The working group's attention was also drawn to the documents prepared by several members of the Committee on particular subjects relating to the theme of the Conference. The contact group also proposed that, for each of the regional conferences to be organized, studies should be prepared on the nature and manifestations of racism and racial discrimination in each region, as well as the positive measures adopted by the Governments concerned.

18. Other participants pointed out that the first objective, namely a review of progress made and a reappraisal of the obstacles to further progress and ways to overcome them, was one of the main objectives of the World Conference. It was suggested that three independent studies focusing on each of the elements of the first objective should be commissioned and that information received through questionnaires should be used to supplement these studies. In that regard, the endeavours made by the United Nations to combat racism and racial discrimination should be appraised in order to determine the success achieved in that field and the factors that had impeded the Organization's efforts.

19. It was also proposed that the positive measures taken against racism and racial discrimination should be highlighted.

20. It was proposed that the Office of the High Commissioner for Human Rights should establish an Internet Website to inform the public about the World Conference. An international campaign to stimulate awareness concerning the World Conference and its objectives should also be launched by the competent United Nations departments.

21. Some speakers believed that the question of racism and racial discrimination should be approached from a global perspective, since no region of the world was free from those scourges; the Conference should not target particular countries.

22. The view was expressed that, in order to make progress, the purpose of the regional conferences should be to gather and analyse the stock of information that already existed on that question in every region. It was suggested that seminars of experts representing the various legal systems should be organized at the regional level to evaluate:

(a) National legislation in order to determine the extent to which victims of racial discrimination had access to adequate remedies to obtain justice and reparation;

(b) The good practices that existed in the various countries to combat racism and racial discrimination. The working group was informed that the European Union had already begun the preparatory process for the conference scheduled to be held in Europe.

23. With regard to the groups exposed to racism, racial discrimination, xenophobia and related intolerance, it was suggested that emphasis should be placed on the situation of migrants who were particularly exposed to racism and racial discrimination since the convention intended to protect them (the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families) had been ratified by only a small number of States and had not yet entered into force. In addition, it was pointed out that the data concerning the question of immigration and the links that it might have with xenophobia should be updated in the light of the work of the International Organization for Migration.

24. It was proposed that a voluntary contribution fund be established to ensure participation by representatives of non-governmental organizations and communities from the least developed countries in the work of the Conference, since their presence was necessary in order to gain the maximum objective knowledge of the various manifestations of racism and racial discrimination.

25. The representative of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, referring to resolution 1998/6 adopted by the Sub-Commission, proposed that the Conference focus on situations of ethnic conflict and other patterns of discrimination based on race, colour, descent or national or ethnic origin, as well as ethnic conflicts, education and racial discrimination, globalization in the context of the increase in incidents of racism, racial discrimination and xenophobia, the concept of affirmative action, migrants, the rights of non-citizens, reservations to the International Convention on the Elimination of All Forms of Racial Discrimination, hate speech and remedies for racial discrimination.

2. Chairperson's summary of the main points

26. The four following points were highlighted during the discussion:

(a) Organization of regional seminars of experts on recourse procedures and good practices;

(b) Creation of an Internet Website on the World Conference;

(c) Preparation of questionnaires to evaluate the measures taken by States, specialized agencies, international governmental and non-governmental organizations and national institutions;

(d) Consideration of the topics proposed by the Committee on the Elimination of Racial Discrimination (see para. 16) and by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (see para. 25).

B. Second objective

To consider ways and means to better ensure the application of existing standards and the implementation of the existing instruments to combat racism, racial discrimination, xenophobia and related intolerance.

1. Questions raised during the discussion on substantive issues

27. A number of proposals were made by the African Group for the consideration of this objective (see annex I).

28. Most of the participants declared themselves in favour of those proposals. However, reservations were expressed on a number of points and some believed that additional suggestions should be made. With regard to the proposal to the effect that the recommendations of the Committee on the Elimination of Racial Discrimination should be considered with a view to a better implementation of the Convention, the view was expressed that all the Committee's recommendations should be taken into account and not solely those concerning certain articles. It was also proposed that detailed discussions should be held on the activities and working methods of the Committee during the World Conference. The view was also expressed that the focus of efforts should be on "implementation" and not "more mechanisms". A representative of the Committee pointed out that the reservations made, particularly concerning article 4, by a number of States parties to the Convention considerably weakened its implementation.

29. It was suggested that consideration must be given to the means of guaranteeing compliance not only with international standards, but also with national standards and, hence, the effect of judicial systems, possible remedies, etc.

30. Concerning the expansion of the mandate of the Committee on the Elimination of Racial Discrimination, some speakers argued that the Committee's terms of reference derived from the Convention under which it was established. It was also pointed out that members of the Committee had already undertaken field visits with the consent of States. All the speakers deemed it essential to obtain universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination and to strengthen the Committee. Coordination of the Committee's activities with those of the regional bodies was deemed necessary. Coordination between the Committee and the other treaty supervisory bodies, in particular, should not entail the creation of a supplementary mechanism.

31. Another idea to which the discussion gave rise concerned the strengthening of the mandate of the Special Rapporteur on Contemporary forms

of racism, racial discrimination, xenophobia and related intolerance in order to offset the limits of the Committee's mandate. It was proposed that the World Conference should draw attention to the model legislation drawn up by the United Nations and should invite States to use it as a guideline for the adoption of laws.

32. Several participants emphasized that the question of migrants was crucial in the current world context and that the World Conference should highlight their situation in order to protect their rights more effectively. However, some speakers contested the need, at that stage of the discussion, to give priority to consideration of the situation of one group rather than another.

2. Chairperson's summary of the main points

33. The three following points were highlighted during the discussion:

(a) Promotion of the universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination and strengthening of the capacity for action and coordination of the Committee on the Elimination of Racial Discrimination in the field and elsewhere;

(b) Placing at the disposal of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance adequate resources to conduct studies within the framework of the preparations for the World Conference;

(c) Consideration of the question of racial discrimination and xenophobia against vulnerable groups, including migrants, and promotion of the ratification of all the international instruments containing provisions to combat racial discrimination, particularly the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

(d) Consideration of means of ensuring the more effective implementation of national standards.

C. Third objective

To increase the level of awareness about the scourges of racism, racial discrimination, xenophobia and related intolerance.

1. Questions raised during the discussion on substantive issues

34. The representative of the African Group made proposals for the consideration of this objective (see annex I).

35. The question of education and awareness-raising was widely described as a key issue for the Conference. The proposals of the African Group were noted with interest, although many speakers emphasized that the suggestions made were not exhaustive. A number of participants welcomed, in particular, the call for a closer cooperation with UNESCO. Many participants had reservations about some specific proposals. A number of participants questioned the idea of regular periodic meetings for a dialogue between different civilizations

and cultures although a number of participants were in favour of such a proposal. It was also suggested that there was a need for long-term efforts to sensitize public opinion and it was submitted that the World Conference should lead to concrete proposals in this regard.

36. With regard to the creation of a university, a number of participants felt that it was not necessary to establish a new university for dialogue between cultures; it would be better to set up a network of existing universities that would make such a dialogue their concern.

37. There was also a comment that the reference to the Inter-Parliamentary Union alone was too limited, and that sports organizations, business, NGOs, schools and universities, youth groups and other organizations should be encouraged to participate.

38. There were also views expressed that awareness-raising educational measures to combat racism were best formulated at the national and local levels. Similarly, calls were made for the Office of the High Commissioner to publish booklets, organize seminars and workshops, and publish articles in the international media highlighting the dangers of racism. The view was expressed that financial resources should be found for that purpose through prioritizing activities within the Office of the High Commissioner.

39. The view was expressed that the proposals concerning the International Year of Mobilization against Racial Discrimination might usefully be expanded. International sports associations, community associations, business firms, etc. should be involved.

40. It was further argued that education was an essential means for preventing racism and racial discrimination and remedying the situations they led to. It should begin at home and, in that context, promote sound values and what was best in the various cultures. Further, in each country the ministry of education should endeavour to include in the curricula the positive aspects of the various civilizations.

41. Another recommendation made was that the World Conference should strive to promote reconciliation with victims of racism and racial discrimination with a view to their integration into society.

42. The contact group of the Committee on the Elimination of Racial Discrimination commented briefly on the study concerning article 7 of the Convention on the Elimination of All Forms of Racial Discrimination carried out jointly with the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which it said contained ideas and analyses useful both for the preparatory phase of the World Conference and for the conference proper.

42 bis. While regret was expressed that advantage had not been taken of the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights to draw public attention to the World Conference, the hope was however expressed that the High Commissioner for Human Rights would make the same kind of effort as had been put forth in connection with that celebration to develop various activities designed to ensure publicity for the World Conference.

43. A proposal was made for the establishment of a "permanent forum" on the model of the former United Nations Centre against Apartheid to guide and coordinate international efforts. Some other participants, however, disagreed with the proposal.

44. The Department of Public Information (DPI) indicated that during 1999 it will prepare a communications strategy aimed at promoting the World Conference with the public. This will be carried out in close cooperation with the Office of the High Commissioner for Human Rights, taking into account the resolution adopted by the Commission. In addition, DPI described six specific projects as follows:

(a) DPI will reproduce in all six official languages an information pamphlet on the World Conference in early 2000;

(b) DPI will put its information materials on the World Conference on the UN Homepage at Headquarters and provide a link to the Website of the High Commissioner for Human Rights and, at the time of the Conference, DPIU will be expected to provide live coverage, including audio-visual material, on the Internet;

(c) DPI will contribute to education projects initiated by the High Commissioner for Human Rights and UNESCO and will feature the World Conference in its ongoing educational programmes such as the Cyber-school Bus, an educational site geared to the needs of schoolchildren and teachers;

(d) DPI will utilize United Nations information centres at the national level to play a catalytic role in developing and supporting information campaigns combating racism;

(e) DPI will continue its increased efforts to enhance media coverage of the Committee on the Elimination of Racial Discrimination in the period leading up to the Conference; and

(f) DPI will continue to use the commemoration of the International Day for the Elimination of Racial Discrimination (21 March) to publicize the World Conference.

44 bis. It was proposed that the world information campaign should focus in particular on acquainting grass-roots communities with the existing international instruments to combat racial discrimination and racism in order to enable them to make a better contribution to the preparatory process and to the World Conference itself.

45. Many participants suggested that the World Conference should contribute to promoting the values associated with cultural diversity for which several countries were already striving. The populations of the various countries should be encouraged to follow the path of tolerance, respect for diversity, fraternity and harmonious coexistence amid their differences.

46. Many participants argued that school was an important environment for combating racism and racial discrimination and that teachers therefore bore a

major responsibility in that endeavour. Others added that religious authorities also had an important part to play in that process.

47. It was recommended that the activities of the United Nations decades for education and for indigenous peoples should be linked to the holding of the World Conference.

48. Going beyond education in the strict sense, some speakers considered that alerting the general public to the harm done by racism and racial discrimination was an essential aspect of the work with which sports associations and the various organizations of civil society should be involved. It was observed that international and regional football federations, for example, could play a leading role in view of the popularity and universality of that sport; they could be partners in and even sponsors of the Conference. It was also proposed that ambassadors for sport against racism and racial discrimination should be appointed to promote the ideals of non-discrimination. Prize competitions could be organized on the theme of sport against racism. Awareness-promotion and active participation should also extend to music, literature and every other mode of cultural expression.

49. In the view of several participants, consciousness-raising should also aim at teaching sound practices in regard to combating racial discrimination. In that connection, the Working Group's attention was drawn to the information disseminated in the context of the Clinton initiative on race, in the United States, and to the pages published on the White House Internet Website. In order to take advantage of the facility for wide-scale dissemination of information offered by Internet, some participants expressed the wish that the Internet Website of the Office of the High Commissioner for Human Rights on the World Conference should be linked with the sites publicizing sound practices.

50. Several speakers suggested that the World Conference should conduct a discussion on the communications media that could be used to spread racism, including modern media such as Internet as well as the press or radio. The role of the media whether as a means of combating racism and racial discrimination or as a vector for the propagation of that evil was recognized as a subject of interest for the Conference. No time should be lost in making the providers of access to Internet, in particular, aware of the harm done by dissemination of racist messages.

51. It was also observed that the World Conference should not be an end in itself and that discussions should already be taking place on the social and economic conditions conducive to racism and racial discrimination. For the populations suffering from those evils, it was urgently necessary to improve their living conditions, combat poverty and encourage human development.

2. Chairperson's summary of main points

52. The following six points emerged from the debate:

(a) Stress to be laid on education and consciousness-raising as essential means for combating racism and racial discrimination;

(b) Creation of a network of universities to study and combat racism and racial discrimination;

(c) Promotion of the values associated with cultural diversity, tolerance and respect for differences;

(d) Provision of information on sound practices in regard to combating racism and racial discrimination;

(e) Consideration of the role of the media, including Internet, in spreading racism;

(f) The World Conference to be given the widest possible publicity through the United Nations Department of Information.

D. Fourth objective

To formulate concrete recommendations on ways to increase the effectiveness of the activities and mechanisms of the United Nations through programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance.

1. Questions raised during the discussion on substantive issues

53. The representative of the African Group made a number of proposals for the consideration of this objective (see annex I).

54. The proposals of the African Group were generally welcomed, although some points were the subject of extensive comments. The proposal to increase the resources available to the Committee on the Elimination of Racial Discrimination (CERD) was noted with interest by a number of participants, and a representative of CERD was asked to comment. She indicated that additional resources could be put to good use for example, by providing for a regular schedule of consultations between CERD, the Special Rapporteur, the Sub-Commission and its various working groups; by enhancing CERD's financial ability to respond to invitations for country visits and to hold consultations with regional and national bodies; to follow up on the implementation of recommendations of the Committee; and to provide additional technical assistance to States parties, in particular with regard to drafting reports in accordance with the general guidelines of the Committee.

55. With regard to the proposal of the African Group for a study to be undertaken by the Special Rapporteur, a number of participants were of the view that, if a study were to be done on how different mechanisms and programmes could be made more effective, it should be undertaken by the Office of the High Commissioner which was in a better position to know how the various mechanisms functioned and had an overview of how they worked together. Other participants, however, were of the view that the Special Rapporteur had a special advantage that militated in favour of his doing such a study since he had extensive field experience and his study would be done in cooperation with the Secretariat. Still other participants thought that both approaches were too restrictive and that the Office of the High Commissioner should

prepare the study in conjunction with the Special Rapporteur, CERD and other bodies and mechanisms such as the Sub-Commission and its various working groups.

56. Some speakers added that the Special Rapporteur, in cooperation with the High Commissioner's Office, should conduct a study on preventive activities relating to ethnic and racial conflicts and formulate advisory opinions.

57. On the question of institutional coordination, some were of the view that the Committee on the Elimination of Racial Discrimination and the Special Rapporteur should coordinate their activities better. Further, the focal point designated within the High Commissioner's Office should be a permanent structure responsible for ensuring that the decisions of the World Conference were followed up. Consideration should also be given to increasing the human resources available to the High Commissioner's Office so that it could implement activities and programmes for the needs of the Conference.

58. The contact group of the Committee on the Elimination of Racial Discrimination supported the proposal to establish a mechanism for follow-up and evaluation of United Nations programmes; all too often, the recommendations made during seminars or in the light of studies were not put into effect. It also pointed out that an increase in the Committee's resources would improve its activities: for example, in regard to coordination with the Special Rapporteur and the Sub-Committee; by enabling its members to accept invitations to make field visits and have consultations with various national and regional agencies; for monitoring the application of the Committee's recommendations, and for providing technical assistance to countries that had difficulty in drafting their reports according to the Committee's directives. Efforts were also called for to ensure equitable geographical distribution and representation of principal legal systems in the membership of CERD.

59. It was noted that one of the main tasks was to mainstream human rights questions, including the elimination of racial discrimination, throughout the United Nations system, and that the Office of the High Commissioner had a central role to play in that regard, particularly in developmental efforts linked to the provision of basic necessities including water, food and health care.

60. It was suggested that there should be better coordination between the Office of the High Commissioner and other international bodies, including UNDP, ILO and UNICEF. It was also suggested that the Special Rapporteur on religious intolerance should be closely associated with preparations for the World Conference, as that mandate was closely related to the fight against racism. It was further suggested that the Office of the High Commissioner should undertake additional efforts to seek ratifications and the entry into force of the International Convention on the Rights of All Migrant Workers and Members of Their Families.

61. It was noted that there was a focal point in the Office of the High Commissioner to coordinate programmes against racism. A number of participants expressed the view that the Office needed to be reinforced and

additional personnel recruited, particularly for the preparations for the World Conference, due attention being given to the principle of equitable geographical distribution of personnel.

2. Chairperson's summary of main points

62. The following six points emerged from the debate:

(a) A study to be undertaken on ways of increasing the effectiveness of United Nations activities and mechanisms for combating racism;

(b) A study to be undertaken on preventive activities, including measures for preventing ethnic and racial conflicts;

(c) Institutional coordination to be improved;

(d) An effective mechanism to be put in place for follow-up of United Nations programmes to combat racism and racial discrimination and of the programme of action of the World Conference (2001) on Racism, Racial Discrimination, Xenophobia and Related Intolerance;

(e) The Special Rapporteur on religious intolerance to be involved in the preparations for the World Conference and in the Conference itself;

(f) The principle of non-discrimination to be systematically incorporated into all development projects.

E. Fifth objective

To review the political, historical, economic, social, cultural and other factors leading to racism, racial discrimination, xenophobia and related intolerance.

1. Questions raised during the discussion on substantive issues

63. The representative of the African Group made a number of proposals for the consideration of this objective (see annex I).

64. The participants generally considered these proposals to be a helpful basis for discussion. While they recognized the usefulness of the two documents referred to, many speakers considered it necessary to draw the Preparatory Committee's attention to more recent documents. The fifth objective should not be considered in isolation, but in the light of its relationship with the other objectives. One participant also said that too much time should not be spent on known historical factors and that the focus should be on the modern-day causes of racism and racial discrimination, with particular emphasis on cultural, economic and social factors.

65. The representative of UNESCO said her organization thought that historical factors were important and had therefore launched the Slave Route project on the consequences of four centuries of the slave trade and slavery, which had led to the large-scale forced displacement of several million Africans. The studies carried out in connection with this project shed new

light on the problems that African States are experiencing. However, UNESCO is also looking into the original cultures and civilizations to which the barbaric problem of slavery has given rise in the Caribbean and the Americas. It is therefore promoting a dialogue of cultures as an element of international understanding and, through recognition of great works as the heritage of mankind, is trying to find points of convergence and establish links between cultures and civilizations and between the shared values of mankind and individuals.

66. The question was asked whether the order in which the factors listed in the fifth objective was hierarchical. He also pointed out that an important factor which had not been included in the list was the human conscience, the human mind. In his view, the World Conference has to introduce a philosophical and spiritual dimension if it is to go to the heart of problems and find solutions, since the spiritual element transcends racial and cultural divisions that cause conflicts. This cross-sectoral, spiritual element has to be found so that an in-depth analysis can be carried out. In adopting this approach, the primary objective should be not to harp on the past, but to promote reconciliation. The World Conference should also consider factors other than those listed in the fifth objective, including psychological causes, since fear of others is often the reason for xenophobia and racism.

67. It was explained that, although the study of causes is problematic, it is necessary in order to draft appropriate recommendations. Many present-day situations have their roots in the past. The list of factors contained in the fifth objective is not meaningless because these factors are interdependent. For example, an analysis of political factors makes it possible to consider matters as different as nationalism, colonialism, the role of political parties in incitement to racial hatred, etc.

68. Some speakers maintained that referring to the past and studying various factors were necessary to the duty of memory as a means of paving the way for reconciliation, especially since contemporary manifestations of racism often involve a breach of the duty of memory. In that connection reference was made to a law recently enacted by the French Parliament which recognizes slavery and the slave trade as crimes against humanity.

69. One participant suggested that the proposals made by the Committee on the Elimination of Racial Discrimination and by non-governmental organizations should be taken into account, especially on topics relating to the effects of slavery and colonialism, the situation of asylum seekers, refugees and displaced persons and the impact of globalization on racial equality. The current race-related tensions surrounding immigration and asylum policy in many parts of the world should be discussed in the broader global context of the economic and political legacies of colonialism and slavery which had forced migration. Governments should consider what steps could be taken to acknowledge the painful inheritance of descendants of people who were indentured servants, slaves or victims of colonial violence.

70. Research should be done on the question of racial discrimination in employment and on obstacles to labour market mobility and their consequences and stricter laws should be enacted to combat such discrimination. Efforts should be made to improve the protection of the rights of workers to freedom

to choose their employment and receive equal pay for equal work in both the private and the public sectors. Other participants stressed the many factors which influence racist thinking and its consequences for access to employment, housing, health and other services. It was mentioned that specific groups were especially affected and that "glass ceilings" and "glass doors" were current and seemingly inevitable obstacles to some groups in particular to migrants. It was noted by one participant that, because of the complex character of racism, reference to the factors mentioned in this objective should permeate all studies undertaken in preparation for the World Conference. The view was also expressed that support must be generated for the enactment of more stringent laws against discrimination through research into incidents of discrimination.

71. It was stated that, even where Governments have adopted laws against incitement to racial hatred, such laws may either be ineffective or not properly enforced. Consideration therefore has to be given to ways of dealing with the problem of extremist groups in which young people advocate racism, engage in violence during sports events and organize rock concerts inciting racial intolerance. Theories of racial superiority based on science and biology also have to be combated and rejected. There was also a call for special focus on the impact of racism on children.

72. Another subject proposed for consideration by the World Conference relates to the role of political leaders who promote their own personal interests by stirring up suspicion and hostility towards other groups.

73. It was recommended that positive action by local communities, community relations boards and similar grass-roots organizations should be highlighted and encouraged.

2. Chairperson's summary of main points

74. The following five points were made during the debate:

(a) In addition to the factors already referred to in the fifth objective, other factors, including spiritual and psychological factors, should be taken into account;

(b) Reference sources should be included in addition to those proposed;

(c) Emphasis should be placed on the question of racial discrimination in employment, health and access to housing;

(d) A dialogue of cultures and civilizations should be promoted;

(e) Account should be taken of topics relating to the effects of slavery and colonialism, the situation of asylum seekers, refugees and displaced persons and the impact of globalization on racial equality.

F. Sixth objective

To formulate concrete recommendations to further new national, regional and international measures to combat all forms of racism, racial discrimination, xenophobia and related intolerance.

1. Questions raised during the discussion on substantive issues

75. A representative of the African Group stated that the sixth objective was closely related to the second objective and made a number of proposals for consideration of that objective (see annex I).

76. There were a number of comments on the proposals of the African Group. Several participants suggested that the Internet could be used as a positive force to encourage tolerance and respect for diversity and equality, while at the same time States should be encouraged to legally penalize the dissemination of racist propaganda. It was noted that article 4 of the International Convention on the Elimination of Racial Discrimination mandates that the dissemination of racial hate speech or ideas of racial superiority should be prohibited, regardless of the medium employed. The view was expressed that preventive action should not be limited to the Committee on the Elimination of Racial Discrimination, but should be incorporated throughout the United Nations system. A representative of the Committee on the Elimination of Racial Discrimination also indicated that preventive measures should not be limited to the Committee. Another participant indicated that he had reservations about the proposals by the African Group because they appeared to focus principally on action at the international level. In his country's experience, practical solutions were more likely to be found at the national and local levels, in cooperation with NGOs and the private sector. Some participants objected to the proposal of the African Group for the establishment of a body to receive individual complaints or communications from migrants subjected to discrimination, indicating that it was not appropriate at this stage of the preparatory process to make such a recommendation.

77. Some participants expressed support for national affirmative action programmes as a useful tool. It was also indicated that citizenship acquisition laws of a racist nature should be reviewed and that institutionalized racism by States, particularly by law enforcement authorities and judicial authorities, should be the particular focus of attention. It was also stated that the setting-up of national institutions with powers to conduct investigations into allegations of racial discrimination and the extension of anti-discrimination legislation to cover civil services and police should be considered in States not having such a coverage. The view was expressed that victims of double discrimination should receive special attention and that efforts must be made to promote equal access to justice under the law and to ensure provision of legal services to racial minorities.

78. A number of participants said that recommendations should focus particularly on vulnerable groups such as migrant, national and ethnic minorities, indigenous peoples, displaced persons, refugees and asylum seekers. One participant indicated that attention should be given to specific

practices which are particularly objectionable, such as the practice of stripping people of their nationality or imposing an unwanted nationality. A number of speakers indicated that the Working Group should not consider its discussion and proposals exhaustive at this stage because additional ideas, primarily from those who have been subjected to discrimination at the national and local levels, are needed from NGOs and individual victims of racial discrimination.

79. Other participants repeated their earlier comments and stated that a collection of the best national practices would be one useful step in achieving this objective. Others recalled that the question was not so much one of adopting new measures as of ensuring the full implementation of existing standards.

2. Chairperson's summary of the main points

80. The following four points were made during the debate:

(a) The Internet should be used as much as possible as a positive educational tool to promote tolerance and respect for human dignity and diversity; racist hate speech and incitement to racist violence on the Internet and otherwise should be prohibited by law.

(b) National laws relating, for example, to the acquisition of nationality and immigration should be reviewed to ensure the elimination of racial bias in such laws or their application.

(c) Preventive action should be stressed in order to combat racism; the Committee on the Elimination of Racial Discrimination has an important role to play, but so do other parts of the United Nations system; action should not be limited to the international level, but should include measures at the regional, national and local levels, in the context of cooperation by Governments, the private sector and NGOs.

(d) Particularly vulnerable groups, such as migrants, national and ethnic minorities, indigenous peoples, displaced persons, refugees and asylum seekers, should be given special international protection by law.

G. Seventh objective

To draw up concrete recommendations for ensuring that the United Nations has the financial and other necessary resources for its actions to combat racism, racial discrimination, xenophobia and related intolerance.

1. Questions raised during the discussion on substantive issues

81. A representative of the African Group introduced a proposal for consideration of this objective (see annex I).

82. Several participants supported that proposal, on the understanding that, in view of limitations on resources and the wide range of activities that

could be usefully undertaken to combat racism, the Office of the High Commissioner should remain open to the idea of seeking voluntary contributions.

82 bis. At the request of the Chairperson of the open-ended working group the Deputy High Commissioner provided the following responses to questions raised:

(a) Concerning the proposed venue of the World Conference, he indicated that discussions were taking place with some member States and expressed the hope that a country would make a formal offer to host the World Conference;

(b) With respect to the financing for the World Conference, he said that, in addition to existing staff, the High Commissioner had made some proposals in the draft programme budget for the biennium 2000-2001 to cover some of the staffing costs in respect of a focal point for the Programme of Action for the Third Decade and the implementation of the recommendations of the World Conference. However, voluntary contributions from member States would be crucial to meet the needs for effective servicing of the World Conference.

(c) With respect to further public information action, a global information campaign for the World Conference would be pursued after the current session of the Commission;

(d) Concerning the report of the High Commissioner, it had been prepared in the hope that it would guide the working group to make practical recommendations to help those who continued to suffer from racial discrimination.

83. A number of participants expressed support for the establishment of a special voluntary fund or mechanism to assist in financing the preparations for the World Conference and the World Conference itself, including the allocation of financial support for NGOs. It was also recommended that the Office of the High Commissioner should play an active role in facilitating regional and national meetings.

84. It was proposed that sports federations should, in particular, be the target of fund-raising efforts for the World Conference. The hope was expressed that this idea could be put into effect in an expedited fashion and that it would not have to wait for the first meeting of the Preparatory Committee for it to be implemented. The working group might wish to recommend that the Commission should appoint various "sports ambassadors" not only to promote the World Conference generally, but also with a view to exploring how financial support could be provided through sports events. It was also suggested that the private sector should be requested to support and contribute to the World Conference.

85. In view of the importance of the World Conference, States should be requested to contribute a certain percentage of their GDP for this purpose. Several participants supported this idea.

2. Chairperson's summary of the main points

86. The following three points were made during the debate:

(a) A special voluntary fund or mechanism should be established for the preparations for the World Conference and the World Conference itself, including for the provision of financial support to NGOs. The Office of the High Commissioner for Human Rights should facilitate the organization of regional and national meetings;

(b) Fund-raising efforts should be directed at both States and the private sector, including organizations in the field of sports and entertainment;

(c) States should be requested to earmark a certain percentage of their GDP for the financing of the World Conference.

III. DEBATE ON PROCEDURAL QUESTIONS

87. With regard to procedural questions, several matters were discussed which appeared to receive wide support. There was widespread support for the proposal that the two meetings of the Preparatory Committee would take place in Geneva, since it would be impractical for them to be held elsewhere. There was also widespread support for holding the World Conference itself in Geneva if no State offered to host it and assume the resulting financial obligations. Many participants nevertheless recognized that the Working Group should remain open to the possibility of a State extending such an invitation and that holding the World Conference in another location, particularly a country of symbolic importance for its efforts to combat racial discrimination, would be a considerable advantage. The proposal by the African Group on the participation of other bodies and organizations was not discussed at length, but there were no specific objections to those proposals and some participants supported the idea that participation by other entities and groups should be encouraged as much as possible, in conformity with existing United Nations rules.

88. The proposal by the African Group that the Bureau of the Commission should function as the Bureau of the first meeting of the Preparatory Committee led to a wide-ranging debate in which a clear divergence of views was apparent. A large number of participants were of the view that it would be strongly preferable to establish a separate bureau for the meetings of the Preparatory Committee to take place in 2000 and 2001. The reasons given related mainly to the need to ensure continuity and avoid duplication of effort and creating unnecessary work for the members of the Bureau of the Commission, as well as to the fact that the Bureau of the Commission was composed of a limited number of member States of the Commission and this would hamper appropriate representation in the Bureau of the Preparatory Committee which would preside over a meeting open to all States and to the practice followed during the preparations for other World Conferences, for which a separate Bureau had been established. In this respect, it was suggested that, since the preparatory meetings would be open to all States, any bureau that was constituted would have to be enlarged in order to be more representative. The arguments in favour of the proposal that the Bureau of the Commission

should be the Bureau of the preparatory meetings in 2000 and 2001 were the following: savings and practicality; coordination of activities of the Commission and meetings of the Preparatory Committee; the fact that the United Nations Secretariat ensures continuity, as in the case of the Commission, from one year to the next; and the fact that General Assembly resolution 52/111 specifies that the Commission is to act as the Preparatory Committee and therefore precludes a body other than the Commission from serving as the Bureau of the Preparatory Committee. A number of participants challenged the last argument, stating that the wording of General Assembly resolution 52/111 did not rule out the establishment of a separate bureau or even an enlarged bureau composed of representatives of States not members of the Commission. A formal request for a legal interpretation was made by the representative of Ireland, but the participants indicated that, regardless of the opinion of the Office of the Legal Counsel of the United Nations, the decision as to whether there should be a separate Bureau for the Preparatory Committee meetings would ultimately be taken by the Working Group and the Commission.

89. The other proposals by the African Group, including those calling on the Secretariat to prepare a draft provisional agenda and draft rules of procedure on the basis of the parameters contained in General Assembly resolution 52/111, did not give rise to any objection, although a number of participants said that the process should be open and flexible. Some participants indicated that, both in terms of procedure and substance, the proposals by the African Group were useful and stimulating starting points, but the first meeting of the Preparatory Committee and the preparatory process in general should be open to new ideas.

90. Lastly, it was stated that the contribution of the regional processes, the various human rights mechanisms and the NGOs would enrich the Conference and should therefore be encouraged. It was also stated that, in the execution of studies or other contributions, stress must be laid on the action-oriented and forward-looking character of the World Conference.

Annex I

PROPOSALS BY THE AFRICAN GROUP

Contribution by the African Group to the deliberations of the Commission on Human Rights Working Group Responsible for Reviewing and Formulating Proposals for the Preparatory Committee of the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance

Mandate of the Working Group of the Commission

Paragraph 44 of Commission on Human Rights resolution 1998/26, endorsed by General Assembly resolution 53/132:

> "Decides to create an open-ended Working Group of the Commission to meet during the fifty-fifth session in order to review and formulate proposals for consideration by the Commission and possible forwarding to the Preparatory Committee at its first session."

A. Proposals on the Working Group's structure and functioning

The African Group feels that the Working Group should be set up in accordance with the mandate given by Commission on Human Rights resolution 1998/26 and the general practice followed by all the Commission's working groups.

Proposals

1. Election of a Chairman/Rapporteur assisted by the secretariat of the Office of the High Commissioner for Human Rights.

2. The appointment of Ms. Absa Claude Diallo, Permanent Representative of Senegal to the United Nations Office at Geneva, to the post of Chairman/Rapporteur.

The African Group feels that the Working Group should function for the minimum amount of time possible, since its meetings will be curtailed by the Commission.

Proposals

1. There should be intense preliminary consultations among all groups in order to reach a consensus on a first draft to be submitted to the Working Group.

2. The Working Group should meet during the first week of the fifty-fifth session of the Commission, so that the adoption of texts under the item on the elimination of racial discrimination can be deferred until towards the end of the Commission's deliberations.

B. Proposals concerning the Working Group's deliberations

The main purpose of the Working Group being to make recommendations to facilitate the first session of the Preparatory Committee, the African Group feels that there are two kinds of recommendations to be made: those concerned with procedure, and those concerned with substance.

1. Proposals concerning procedure

Considering that, acting on a proposal by the Commission on Human Rights, the General Assembly by resolution 52/111 decided that the Commission on Human Rights should function as the Preparatory Committee of the World Conference and that its discussions should be open to all to enable full participation by all member States of the United Nations and specialized agencies, and by observers in accordance with the established práctice.

Considering also that by resolution 53/132 II (para. 31), the General Assembly requested the Commission on Human Rights to present, through the Economic and Social Council, before the end of the fifty-third session of the General Assembly, a concrete proposal on the date and venue of the World Conference.

Proposes that the Working Group make the following recommendations:

1. That the bureau of the fifty-sixth session of the Commission function as the bureau of the first session of the Preparatory Committee;

2. That the secretariat of the Office of the High Commissioner should submit at the first session of the Preparatory Committee a draft of the Rules of Procedure taking into account the need for full participation by everyone in conformity with the terms of General Assembly resolution 52/111;

3. That if no offer is made to the High Commissioner for hosting the World Conference:

(a) The World Conference be held in Geneva;

(b) After the Commission on Human Rights and before the General Assembly in the year 2001;

4. That participation in the Preparatory Committee and Conference should be open:

(a) To all States members of the United Nations and specialized agencies;

(b) To representatives of organizations which have received from the General Assembly a standing invitation to participate as observers;

(c) To specialized agencies, secretariats of the regional commissions, and all United Nations bodies and programmes;

(d) To representatives of all United Nations mechanisms in the field of human rights;

(e) To other interested intergovernmental organizations, which shall be represented by observers;

(f) To interested non-governmental organizations in consultative status with the Economic and Social Council to be represented by observers.

5. That the Commission on Human Rights should request the Economic and Social Council to ask the committee in charge of non-governmental organizations to grant all non-governmental organizations without consultative status, upon request, exceptional accreditation in order to enable them to participate in the World Conference;

6. That the Office of the High Commissioner should submit to the first session of the Preparatory Committee a draft agenda taking into account the need to give orientations to the Committee's deliberations so that it can make specific recommendations;

7. That plenary discussions in the Preparatory Committee (general debate) should not go beyond two days. If necessary, the Preparatory Committee should transform itself into a drafting group or split into several working committees.

This proposal will depend on the progress made in the preparatory process.

2. Proposals concerning substance

The recommendations by the Working Group could be based on the objectives of the Conference as enumerated in General Assembly resolution 52/111.

First objective

"To review progress made in the fight against racism, racial discrimination, xenophobia and related intolerance, particularly since the adoption of the Universal Declaration of Human Rights, and to reappraise the obstacles to further progress in the field and ways to overcome them."

In order to help the first Preparatory Committee to work efficiently, there is need to submit to it a complete evaluation report on action by the international community in the fight against racism. It is from the results obtained and the obstacles identified that future effective action can be launched.

Proposals

1. The preparation of a precise questionnaire to solicit comments from specialized agencies, international governmental and non-governmental organizations and national institutions.

The questionnaire could comprise the following main questions:

(i) In which field of activities do you intervene in connection with the combat against racism?

(ii) What are the objectives of and means employed in your action?

(iii) Have you reviewed your activities?

(iv) Have your objectives been achieved?

(v) What were the obstacles encountered?

(vi) What are your proposals for overcoming the obstacles?

(vii) Have you set up a follow-up mechanism for your activities?

2. The creation at the Internet Website of the High Commissioner for Human Rights of a page containing the same questionnaire and requesting universities, trade unions, women's organizations, community organizations and non-governmental organizations not in consultative status with the Economic and Social Council, to express their views and suggestions on the ways of making the campaign against racism more effective.

3. A questionnaire for States based on the model established during the preparations for the Second World Conference against Racism and Racial Discrimination held in Geneva from 1 to 12 August 1983.

4. Distribution, as soon as possible, of this questionnaire by the Office of the High Commissioner, which collect the replies and analyse them in order to submit a report to the first Preparatory Committee.

Second objective

"To consider ways and means to better ensure the application of existing standards and the implementation of the existing instruments to combat racism, racial discrimination, xenophobia and related intolerance."

The African Group feels that the International Convention on the Elimination of All Forms of Racial Discrimination is a cornerstone of United Nations standards in the fight against racism, racial discrimination, xenophobia and related intolerance.

The fight against discrimination is, however, an object lesson in the indivisibility and interdependence of human rights. Discrimination can impinge on any right. That is why it is necessary to take into account and

guarantee respect for all United Nations, specialized agencies' and other international governmental and regional organizations' conventions and instruments on human rights.

Proposals

1. To consider all recommendations formulated by the Committee on the Elimination of Racial Discrimination (CERD) to ensure full implementation of the Convention, especially articles 4, 7, 9, 14 of the Convention.

2. To consider ways of strengthening the coordination of CERD's activities with:

(a) Existing bodies dealing with the matter within the United Nations system;

(b) Other bodies dealing with the matter within the specialized agencies, especially ILO and UNESCO.

3. To consider the best way of making use of the procedures of the Commission on Human Rights to combat racism.

4. To consider ways of strengthening guarantees of the respect of certain categories' rights: migrants, women, children, indigenous peoples and ethnic and religious minorities.

5. The Preparatory Committee should work to ensure that the Conference results in precise and quantifiable commitments by member States with regard to the ratification and application of the relevant international conventions.

6. To study the possibility of authorizing CERD to institutionalize a system of visits to all States parties to the Convention.

7. To study how most efficiently to involve national institutions more effectively in the implementation of the Convention.

8. To encourage the establishment of a system handling complaints of violations of migrants' rights.

Third objective

"To increase the level of awareness about the scourges of racism, racial discrimination, xenophobia and related intolerance."

A distinction should be drawn between the World Public Information Campaign which is part of the preparations for the World Conference and the exercise which should be seen as a medium- to long-term strategy to combat the causes of all forms of discrimination.

A. With regard to the world information campaign aimed at increasing the level of awareness of the importance and objectives of the World Conference, the African Group proposes that:

1. The High Commissioner for Human Rights should, in collaboration with the Department of Public Information, the specialized agencies, regional intergovernmental organizations, interested States and non-governmental organizations, study opportunities to establish a creative, inexpensive and efficient information strategy whose aim would be to reach people at the national and local levels.

Within the context of the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance, decided by the General Assembly, the High Commissioner should take the initiative of organizing important world cultural meetings, raising awareness, for example, among international sporting, musical and other artistic associations, universities, trade unions and national institutions.

2. The Inter-Parliamentary Union should also be specifically involved in the activities of the International Year by means, inter alia, of debates in all national Parliaments on the objectives of the Conference and the best ways of implementing the international conventions against racism, racial discrimination, xenophobia and related intolerance.

B. As regards a long-term strategy for consideration by the Preparatory Committee, the African Group proposes:

(1) Discussing ways of implementing the recommendations made on this issue by CERD concerning article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination (document A/CONF/119/11). This document restates the obligations incumbent on States parties for eliminating the causes of prejudice that leads to racial discrimination. Action needs to be taken in the fields of education, culture and information.

(2) The Preparatory Committee should study the means to be given to CERD to enable it to investigate how faithful States have been to the provisions of article 7. For example, setting up of a plan of action in collaboration with UNESCO.

(3) Periodic (for example every five years) high-level international meetings, held in rotation in all regions of the world, on the dialogue of cultures and civilizations.

(4) A country should be encouraged to put itself forward and consideration should be given, with assistance from the United Nations, to the creation of an international university or foundation for dialogue between cultures and civilizations, which will provide scientific, cultural and legal instruction and undertake on a permanent basis, information and educational activities aimed at eradicating racial prejudices and discrimination.

(5) Studying the best ways of involving United Nations information centres in increasing public awareness of all United Nations decisions, resolutions and proposals concerning the fight against racism.

Fourth objective

"To study concrete recommendations on ways to increase the effectiveness of the activities and mechanisms of the United Nations through programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance."

Proposals

1. To request the Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance to carry out a study for submission to the first Preparatory Committee on ways to increase the effectiveness of the mechanisms of the United Nations through programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance; this study could also contain proposals on the possible need for an effective follow-up and monitoring mechanism for United Nations programmes.

2. To study ways of improving coordination between the Office of the High Commissioner and other international organizations in the fight against racism.

3. To establish a focal point within the Office of the High Commissioner for the coordination of all activities of the United Nations system in the fight against racism.

4. To study the possibility of setting up a plan of action to strengthen coordination within and the means available to CERD.

Fifth objective

"To review the political, historical, economic, social, cultural and other factors leading to racism, racial discrimination, xenophobia and related intolerance."

Proposals

1. To request the Preparatory Committee to re-examine all documents, studies and notes made on this issue during the preparations for the Second World Conference to Combat Racism and Racial Discrimination held in Geneva from 1 to 12 August 1983 (A/CONF/119/4). To refer also to the conclusions of the Seminar held in 1980 in Geneva on the political, historical, economic, social, cultural factors leading to racism (E/CN.4/1991/63).

Sixth objective

"To formulate concrete recommendations to further new national, regional and international measures to combat all forms of racism, racial discrimination, xenophobia and related intolerance."

Proposals

1. To support and recommend the proposal for the creation of a working group of independent experts or a special rapporteur to receive individual complaints or communications concerning violations of the rights of migrants.

2. To ask the Commission on Human Rights to study existing norms and standards governing migrants' rights with a view to the possible elaboration of a more detailed declaration based on existing norms, accompanied by a follow-up mechanism to give tangible form to such protection.

3. To consider appropriate means, including a code of conduct, of combating the use of the Internet as a propaganda instrument for racist ideas.

4. To consider the Special Rapporteur's suggestions for the creation of a fund to assist ethnic or racial communities that are victims of racial discrimination, and set up an appropriate mechanism for affirmative action at the international level.

5. To consider means of strengthening early-warning and emergency procedures so as to enable CERD to ensure full and complete implementation of the Convention.

6. To consider, review and formulate concrete recommendations for the respect and guarantee of the rights of indigenous peoples.

7. To consider all the possibilities for adoption of measures concerning the protection of women and children from all forms of discrimination.

8. To study the possibility of making the programmes of the United Nations Decades more action-oriented. Examples: rehabilitation of the victims of racism; organization of cultural demonstrations; collaboration with other entities; involvement of universities; seminars for parliamentarians, law enforcement agents, immigration officers, etc.

Seventh objective

"To draw up concrete recommendations for ensuring that the United Nations has the financial and other necessary resources for its actions to combat racism, racial discrimination, xenophobia and related intolerance."

Proposal

1. The programmes of the United Nations Decades to combat racism and racial discrimination should be totally or largely financed from the regular budget of the United Nations.

Annex II

PROPOSALS BY THE SUB-COMMITTEE ON RACISM, RACIAL DISCRIMINATION AND DECOLONIZATION OF THE SPECIAL COMMITTEE ON INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS ON HUMAN RIGHTS (GENEVA)

Introduction

On the invitation of the NGO Sub-Committee on Racism, Racial Discrimination and Decolonization (Geneva), representatives of international non-governmental organizations in consultative status with the Economic and Social Council met on 22 March 1999 in Geneva to consult about the preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. They wish to submit, in the framework of their specific fields of competence and action, the following for the consideration of the Open-ended Working Group on the World Conference:

I. Preparations

We urge the fifty-fifth session of the Commission on Human Rights to take concrete steps to launch the World Information Campaign for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in accordance with its resolution 1998/26 and United Nations General Assembly resolution 53/132.

We further urge that this session of the Commission recommend that national Governments and human rights institutions mobilize, publicize and organize support for the World Conference, ensuring the full participation of civil society, including trade unions, professional associations, local authorities, members of national, regional Parliaments, etc.

II. Participation

As recommended in the Commission on Human Rights resolution 1998/26, non-governmental organizations should be able to participate fully, in accordance with Economic and Social Council resolution 1996/31, in the preparatory process, including the Preparatory Committee meetings to be convened in the year 2000 and 2001. All interested non-governmental organizations both with and without consultative status, should be invited to participate. In particular, indigenous organizations, minority groups and migrants' organizations should be encouraged to take part. Necessary resources such as conference rooms and equipment for non-governmental organizations activities in connection with the World Conference should be provided by either the United Nations or the host country.

III. Objectives

Keeping in mind the objectives adopted by the United Nations General Assembly, in resolution 52/111, we wish to underline the following:

First objective

To review progress made in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular since the adoption of the Universal Declaration of Human Rights, and to reappraise the obstacles to further progress in the field and ways to overcome them.

The General Assembly in its resolution 53/132, in paragraph 35, in accordance with Commission on Human Rights resolution 1998/26, requests that Governments, all concerned United Nations bodies and mechanisms contribute actively to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. While the Committee on the Elimination of Racial Discrimination (CERD) could be invited to prepare such a review on progress made in the fight against racism, and reappraise the obstacles to further progress, the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization should be invited to do the same in the light of relevant conventions adopted by them. In this connection, the Special Rapporteur on Racism, Racial Discrimination, Xenophobia and Related Intolerance could make an important contribution.

National evaluations

Member States should be invited to review at the national level the fight against racism, racial discrimination, xenophobia and other related intolerance within a framework of key indicators to guide the evaluation, including the progress and regression in the areas of education, health, economic status and the participation in the criminal justice system of the different racial and ethnic groups.

Second objective

To consider ways and means to better ensure the application of existing standards and the implementation of the existing instruments to combat racism, racial discrimination, xenophobia and related intolerance.

International instruments and their implementation at national level

Given the high number of ratifications of CERD, the World Conference should give particular emphasis to determining obstacles to, and identifying means and mechanisms of, ensuring the full implementation of relevant international standards in all States, beginning by urging them all to ratify all relevant United Nations Conventions.

We urge that the model law against racial discrimination as contained in United Nations publication HR/PUB/96/2 be given prominence by the World Conference, and that it call upon all United Nations Member States to incorporate, if they have not already done so, and in conformity with their constitutional requirements, its provisions into their national law.

Non-State actors

Some non-State actors deliberately break basic principles of law and order and commit racially-motivated crimes when they recognize the lack of will or desire on the part of the Government to confront them. The World Conference should investigate racism attributable to non-State actors, and should examine ways to hold Governments more accountable for the racist acts of non-State actors under their jurisdiction.

Third objective

To increase the level of awareness about the scourge of racism and racial discrimination, xenophobia and related intolerance.

The technological developments in communication provide new means of inciting hatred, xenophobia and violence of a racial character at a global level. We urge that the World Conference should pay special attention to the misuse of these new technologies, in particular of the Internet. A number of working groups and seminars have been held under the auspices of the Commission on Human Rights. The latest seminar, held in November 1997, provided evidence of the use of the Internet being in direct violation of CERD. This complex problem can only be tackled globally by the international community and should be high on the agenda of the World Conference.

Economic factors

The essence of racism and racial discrimination is deeply seated, among others, in people's covetousness to control material resources and economic wealth. They are used as tools of exclusion of certain groups considered inferior on virtue of their colour or ethnic origin from enjoying an equal standard of living or participation in the decision-making processes, using to the largest extent the new technologies for communication.

Education

Education is an essential and effective means to promote the participation of racially and socially disadvantaged groups and persons in the political, economic and cultural life of society. It is also essential to combat prejudice and discrimination, to promote the value of diversity, understanding, tolerance, friendship and cooperation among nations and racial or ethnic groups. The OHCHR should make the Campaign against Racism an integral part of the United Nations Decade for Human Rights Education with the World Conference against Racism.

Environmental racism

The links between racism and environmental degradation, particularly in low-income communities, should be addressed by the World Conference. In many countries, the living spaces of racial and ethnic minorities and indigenous peoples are deliberately targeted for the dumping of industrial waste, much of which is toxic. Often the community residents are not informed of these

activities, nor of the dangers they pose. They receive no protection. The ways in which natural resources are extracted devastate ecosystems and destroy cultures and livelihoods.

Ethnic superiority

Attention should be given to the fact that a group's ethnic belonging is not necessarily a racial belonging; yet often racist slogans are used in describing an ethnic group that is different from one's own. In this way, the other ethnic group is considered "inferior to our race".

Gender and racism

We welcome the United Nations General Assembly resolution 53/133 of 9 December 1998, which stresses in paragraph 36 the importance of systematically taking into account a gender perspective throughout the preparations for, and in the outcome of, the World Conference. The World Conference should examine the unique impact of multiple forms of discrimination: racial, economic and gender. Women who also face racial discrimination should receive separate attention as well as be integrated into the deliberations on all issues addressed at the Conference.

Health

The right to health care is an indispensable factor in both collective and individual development. The victims of racism and racial discrimination suffer from policies and practices which directly attack their health (i.e. unauthorized experimentation, substandard medical treatment, unhealthy environmental conditions). They also suffer indirectly through, for example, lack of access to health care and information and programmes on preventative maintenance.

Ideologies

The ideology about a "superior Aryan race" was important for the Nazi in their persecution of the Jewish people. Some major world religions have been so interpreted by groups or even governing authorities, that ideologies about the "superiority of our group's religion" have, in fact, exacerbated intolerance and conflicts.

Migration, racism and xenophobia

The Conference should give particular visibility and attention to addressing the increase in the numbers of human rights violations of and hostility and violence against migrants, refugees and others identified as foreigners. While such phenomena are increasingly registered in all world regions, no formal United Nations mechanism yet exists to monitor the protection of the human rights of migrants and to discourage xenophobia. The United Nations and several other specialized agencies, particularly the International Labour Organization, have begun to address migrants' human rights and xenophobia. The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is particularly relevant in this connection. The recently concluded efforts of

the United Nations Working Group of Intergovernmental Experts on the Human Rights of Migrants is an example. The recommendations of this Working Group, along with those of the 1997 United Nations Seminar on Immigration, Racism and Racial Discrimination, should be considered as a relevant basis for elaborating the Conference agenda in this area.

Negationism

Negationism falsifies and distorts the past, often in ways that condone the massacres and tragic persecution of racial and ethnic groups. It deliberately minimizes the victims' sufferings, and denies or tries to justify genocide or other crimes against humanity. The World Conference should examine the racist motivations often at the root of negationism and the selective history it imposes. This kind of racism cloaks itself in free expression and historical licence. Public opinion gives these distorted views a forum: textbooks lend them official sanction. The upcoming World Conference should address this sensitive, dangerous issue.

Fifth objective

To review the political, historical, economic, social, cultural and other factors leading to racism, racial discrimination, xenophobia and related intolerance.

Globalization and racism

The manifestations of racism and the strategies to combat it are rapidly changing and growing in complexity in a world shaped by "globalization" with eroding economic, cultural, territorial and legislative boundaries. Therefore, the identities of all peoples are increasingly challenged, especially with increased migration, causing people to feel threatened, ultimately leading to a rise in xenophobic, racist and generally discriminatory attitudes. The World Conference should examine ways in which the positive aspects of diversity can be widely disseminated, for example, through education of public information campaigns. The role of mass media in the perpetuation of racism, racial discrimination, xenophobia and related intolerance should be examined as well as positive ways in which these media can be employed.

Nationalism

Extremist nationalist sentiments have been exploited to create and incite racism and racial discrimination, often in violation of local law and international norms. The World Conference should address the growing link between extremist nationalism and racism. Too often, nationalism has been used to advance a racist, discriminatory, and persecutory policy that scapegoats ethnic, religious, and political groups as a false pretext for the existence of national problems.

The slave trade and colonialism

For the Conference to meet its overall objectives, wrongdoings of the past such as the slave trade and colonialism need to be comprehensively dealt

with because of their part in entrenching racism and racial discrimination. The slave trade to which African people fell victim in the past needs to be especially singled out for the cardinal role it has played in perpetuating racism, racial prejudice and discrimination and because of its long duration, racist nature and legislative structures and organizations. The Conference is the most auspicious occasion to address these issues and draw lessons from them in order to save future generations from the scourge of these evil phenomena. In addition to an official apology for the horrors caused by the slave trade to the African people and its recognition as a crime against humanity, objective studies on the best ways to explain the context within which this crime against humanity was committed are to be initiated.

Sixth objective

To formulate concrete recommendations to further action-oriented national, regional and international measures to combat all forms of racism, racial discrimination, xenophobia and related intolerance.

The Conference should promote prevention, remedies and redress mechanisms including national mechanisms for the fight against racial discrimination and racism. The Conference should help create a body of anti-discrimination legislation and improve existing anti-discrimination legislation in line with the model law against racial discrimination as already mentioned above. The Conference should further develop the concept of the oneness of humanity and encourage respect for ethnic, cultural and religious diversity because it enriches us all.

The Conference should develop and improve educational programmes that bring to light a complete and previously excluded or denied history and made corrections as needed.

IV. Miscellaneous

We suggest that a background paper be prepared, which might include all the United Nations resolutions on the 2001 World Conference on Racism (e.g. Commission on Human Rights resolution 1998/26, General Assembly resolution 52/111, Economic and Social Council resolution 1996/31 Part VII).

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/16/Corr.1
30 April 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Agenda item 6

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION

Report of the sessional open-ended working group to review and formulate proposals for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

Corrigendum

Paragraph 22 (b),

Replace the last sentence by

The working group was informed that the Council of Europe had already begun the regional preparatory process for the World Conference.

GE.99-13371 (E)

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/16/Corr.2
6 May 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Agenda item 6

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION

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Cover page

The date of the document should read 16 April 1999.

Paragraph 7

The title of document E/CN.4/1999/WG.1/WP.3 should read Working paper submitted by the International Human Rights Law Group.

GE.99-13401 (E)

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/17
24 February 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Item 6 of the provisional agenda

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION

Comments of the International Labour Office concerning Commission resolution 1998/26

1. The International Labour Office has continued during the last year its work for the elimination of discrimination in employment and occupation on a number of grounds, including those of race and colour. This is based on the ILO Constitution as well as on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

2. While it will not repeat information submitted previously on its work in this area, all of which is fully consistent with the objectives spelled out in the resolution, the following recent information can be provided.

3. **Ratification and application of Convention No. 111**. This instrument is considered one of the seven fundamental Conventions of the International Labour Organization. As such, it has been among the targets of the ratification campaign instituted by the Director-General in 1995, following the World Summit for Social Development, and a number of new ratifications have been received pursuant to that campaign. Convention No. 111 has now been ratified by 131 countries, and other ratifications are expected shortly.

4. The ILO has also continued its supervisory activities related to this Convention as with all the others for which it is responsible. A number of reports from ratifying countries were examined by the ILO Committee of Experts on the Application of Conventions and Recommendations in 1998, and the comments it has made are contained in its annual report published in March 1999.

5. The International Labour Office continues also to provide technical assistance and advisory services to member States which wish to ratify this Convention or to apply it more fully. It has, for instance, provided advice during the last year, in the form of national seminars, to Brazil, Indonesia, the Republic of Korea and South Africa, and in the coming months will do so in China and other countries. A technical cooperation project to establish an affirmative action policy and implementing mechanism is almost complete in Namibia.

6. **Adoption of the ILO Declaration of Fundamental Rights and Principles at Work and its Follow-up.** In June 1998, the International Labour Conference adopted this declaration, which recognizes an obligation on the part of member States, "arising from the very fact of their membership in the Organization, to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles containing the fundamental rights which are the subject of" the fundamental Conventions adopted by the ILO - including Convention No. 111. One of the four principles concerned is "the elimination of discrimination in respect of employment and occupation", which covers grounds including race. The Declaration recognizes a corresponding obligation on the part of the ILO to assist members in doing so.

7. The detailed measures for the follow-up to the Declaration are still being discussed, but they include two main components. Annual reports are to be submitted by members to the Governing Body of the ILO on the principles and rights covered by any of the Conventions not yet ratified, and these will be examined annually by the Governing Body. The Director-General will prepare a global report each year on one of the four areas covered by the Declaration, taking each in turn, which will be discussed at the annual International Labour Conference. The discussion of the global report will be followed up by the Governing Body in order to draw conclusions concerning the priorities and plans of action for technical cooperation to be implemented for the following four-year period. Thus, a global report on discrimination - including racial discrimination - will be discussed in the next few years.

8. **Migrant workers**. Special attention is given in the Commission on Human Rights resolution to the situation of migrant workers and of discrimination against them. The ILO has a considerable programme of activities for these workers, and has been taking part in the deliberations in the United Nations on this subject. The ILO Committee of Experts on the Application of Conventions and Recommendations has just concluded a general survey under article 19 of its constitution on migrant workers (published in early March 1999), partly in order to review the ILO Conventions on this subject. The conclusions can be reported to the Commission in more detail once they are published, but they include a recommendation that the ILO Conventions on this subject be revised, in the light of the low number of ratifications of the ILO instruments and of the United Nations Convention on the same subject.

9. **World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance**. As indicated earlier, the ILO looks forward to working with the Office of the High Commissioner for Human Rights to prepare this conference. The objectives proclaimed for it are directly in line with those of the ILO, and the ILO's activities in this area are complementary to those of the United Nations.

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